

## REMARKS

Claims 1-24 were pending.

Claims 1, 15, 18, 22, and 23 are currently amended.

Claims 11-13 have been cancelled.

Claims 1-10 and 14-24 are now under consideration .

The Examiner's formal objection to Claim 18 has been corrected by amending to "polyacrylamide" making it properly dependent on claim 1 and of narrowing scope.

No new matter has been added.

### Rejections under 35 U.S.C. 102(b) and 102(e)

Claims 1-13 and 18-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese '959 and French '199 and under 35 U.S.C. 102(e) as being anticipated by PCT '489 by Andrews. Claims 1-13 and 18-24 were provisionally rejected under 35 U.S.C. 102(e) as being anticipated by copending Application No. 09/666,679.

Claim 1, 22 and 23 has been amended to limit the polyhydric alcohols to those alcohols specified in claims 14-17 and to eliminate the compounds of group (i.). Claims 1, 22 and 23 now encompass combinations which require selection of two groups from a specifically defined group of polyhydroxy compounds and polyacrylamide, polymethacrylamide or acylamide or methacrylamide copolymer with at least one ethylenically unsubstituted comonomer. The polyhydric alcohol is now distinguished from unreacted monomer and limited to the specified polyalcohols. There is now no overlap between present claim 1 and cited references.

### Rejections under 35 U.S.C. 103(a)

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO' 659 taken with JP '959; over Werner in view of JP '959; and Andrews US 6,191,209 taken with WO '659. The Applicant has removed group (i.) as one of the two groups selected for stabilizing the polyester. The combined elements of Applicants claim 1 no longer include the elements from the combined cited references.

### **Provisional Rejections under 35 U.S.C. 103(a)**

Claims 1-24 are provisionally rejected under 35 U.S. C. 103(a) as being obvious over copending Application No. 09/666,679 taken with WO '659 or JP '959 or alternatively over Application No. 10/209,353 with JP '959. The elimination of the poly (vinyl alcohol) or ethylene/vinyl alcohol copolymer from present claim 1 removes 103 (a) rejections for Application No. 10/209,353 with JP '959 and copending Application No. 09/666,679 taken with JP '959.

The Applicants submit herewith a declaration under 37 CFR 1.132, showing unexpected acetaldehyde reduction using the combination of pentaerythritol with polyacrylamide. The addition of dipentaerythritol with polyacrylamide (MAP 1070) gives a 82.5 % reduction in acetaldehyde reduction when components are used at respective concentrations of .450 and .050 % in polyethylene terephthalate. This decrease in aldehyde generation is synergistic and could not be predicted from the combination of copending application 09/666,679 and WO '659.

### **Obviousness-type double patenting non-statutory**

Claims 1-24 are rejected under obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. 6,191,209 in view of WO '659. The elimination of the poly (vinyl alcohol) or ethylene/vinyl alcohol copolymer from claim one also removes this rejection.

The Examiner makes provisional obviousness-type double patenting rejection over copending application 10/209353 in view of JP '959 and copending application 09/666,679 in view of WO '659 or JP '959. The elimination of the poly (vinyl alcohol) or ethylene/vinyl alcohol copolymer from claim 1 also removes the 09/666,679 in view of JP '959 and 10/209,353 in view of JP'959.

Reconsideration and withdrawal of the rejection of claims 1-10 and 14-24 is respectfully solicited in light of the remarks *supra*.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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Respectfully submitted,



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Enclosed: Declaration under 132, Petition for extension of time